

08 CIV 6724.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

VCD CONSTRUCTION, INC.,

x
Civil Action No. _____

Plaintiff,

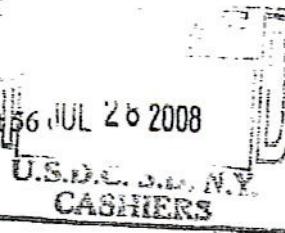
NOTICE OF REMOVAL

-against-

(28 U.S.C § 1446 (a) (b))

56 WALKER LLC and "JOHN DOE 1" through
"JOHN DOE 10", inclusive, as those persons and
entities having an interest in real property located at 56 JUL 26 2008
Walker Street, New York, New York,

Defendant,



x

TO THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK:

1. 56 Walker LLC is the named defendant in the civil action brought on July 1, 2008 in the Supreme Court of the State of New York, New York County. Pursuant to the provisions of Sections 1441 and 1446 of Title 28 of the United States Code, the named and served defendant removes this action to the United States District Court for the Southern District of New York, which is the judicial district in which the action is pending.

2. The grounds for removal of this action are:

a. Plaintiff filed a summons and complaint in the Supreme Court of the State of New York, County of New York, Index No. 107592/08, and on July 1, 2008, plaintiff served the summons and complaint upon defendant.

b. There is complete diversity of citizenship between the plaintiff and defendant in this action because:

i. Plaintiff is a corporation organized and incorporated under the laws of the state of New York, with its principal place of business at 35 Carroll Street, Brooklyn, New York.

ii. The defendant 56 Walker LLC is a limited liability company organized in New York State. Guy Morris, a citizen of Colorado, is the sole member and equity interest holder in and the managing member of 56 Walker LLC.

c.. More than \$75,000, exclusive of interest and costs, is in controversy in this action.

This court would have had original subject matter jurisdiction of this action under the provisions of 28 U.S.C. § 1332 if the action had originally been brought in federal court. Removal is, therefore, proper under 28 U.S.C. § 1441 (a).

3. Removal of this case on the basis of diversity of citizenship is not precluded by the provisions of Section 1441(b) of Title 28 of the United States Code because none of the parties in interest properly joined and served as a defendant is a citizen of the State of New York, the State in which this action was brought.

4. This Notice of Removal is timely under Section 1446(b) of Title 28 of the United States Code because the summons and complaint in the state court action were served on July 1, 2008. This Notice of Removal is filed within 30 days of receipt of the summons and complaint in the state court action and within one year of the commencement of the action, so that it is timely filed under 28 U.S.C. § 1446(b).

5. All state-court papers served on the defendant at the time of removal, consisting of the summons and complaint are attached.

New York, New York
Dated: July 28, 2008

Dickerson, Tomaselli & Mullen, LLP
Attorneys for Defendant
56 Walker, LLC

By Charles M. Tomaselli,
Charles M. Tomaselli
(CT 9719)
780 Third Avenue
New York, NY 10007
Tel: (212) 943-7000
Fax: (212) 486-3032